

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Confirmation No.: 5282

ROBINSON et al.

Art Unit: 1642

Appl. No.: 10/040,945

Examiner: Blanchard, David J.

Filed: January 9, 2002

Atty. Docket: 0610.005000I/MAC

For: Modular Assembly of Antibody Genes, Antibodies Prepared

Thereby and Use

Second Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97(c)

Mail Stop Amendment

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Second Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' First Supplemental Information Disclosure Statement filed on August 29, 2002 in connection with the above-captioned application. Copies of documents AR56 to AT62 are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), no copies of U.S. patents and patent application publications cited on the attached Form PTO-1449 are submitted.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

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Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application. Attached is our PTO-2038 Credit Card Payment Form in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

It is respectfully requested that the Examiner initial and return a copy of the enclosed Form PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Michele A. Cimbala Attorney for Applicants

Michel A. Cinhas

Registration No. 33,851

Date: May 24, 2005

1100 New York Avenue, N.W. Washington, D.C. 20005-3934 (202) 371-2600

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	AR	<u>57</u>	Prehearin	Exhibit 1 - Xoma's Preliminary Claims Construction Statement, Joint Claim Construction and Prehearing Statement Pursuant to Patent Local Rule 4-3, United States District Court Northern District of California San Francisco Division, filed June 28, 2002, pp. 1-48							
	AS	<u>57</u>	Construct	Exhibit 2 - Summary of Statement to be Offered by Dr. Richard A. Lerner. M.D., Joint Claim Construction and Prehearing Statement Pursuant to Patent Local Rule 4-3, California Northern District (San Francisco), June 28, 2002							
	Exhibit 3 - Summary of Opinions to be Offered by Dr. Dennis R. Burton, Ph.D., Joint Claim Construction and Prehearing Statement Pursuant to Patent Local Rule 4-3, California Northern District (San Francisco), June 38, 2002										
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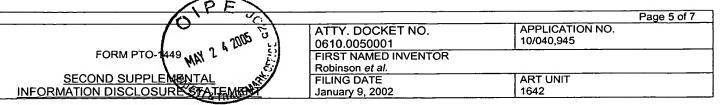
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	АТ	<u>58</u>	Supportin	Exhibit A - Xoma's and Biosite's Proposed Constructions of the Disputed Claim Terms With Supporting Evidence, United States District Court Northern District of California San Francisco Division, filed July 17, 2002, pp. 1-37						
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	Exhibit C - Summary of Opinions to be Offered by Dr. Dennis R. Burton, Ph.D., United Spirit Court Northern District of California San Francisco Division, filed July 17, 2002							
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	АТ	<u>60</u>	Fraud/Mis 5. Unfair	Exhibit A - U.S. Pat. No. 5,028,530, Second Amendment and Supplemental Complaint for: 1. Fraud/Misrepresentation; 2. Breach of Contract; 3. Patent Infringement; 4. Misappropriation; 5. Unfair Business Practices; 6. Breach of Confidence. United States District Court Northern District of California San Francisco Division, filed June 4, 2002							
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	AS	<u>61</u>	Fraud/Mis 5. Unfair I	Exhibit C - U.S. Pat. No. 5,698,417, Second Amendment and Supplemental Complaint for: 1. Fraud/Misrepresentation; 2. Breach of Contract; 3. Patent Infringement; 4. Misappropriation; 5. Unfair Business Practices; 6. Breach of Confidence. United States District Court Northern District of California San Francisco Division, filed June 4, 2002 Exhibit D - U.S. Pat. No. 5,846,818, Second Amendment and Supplemental Complaint for: 1. Fraud/Misrepresentation; 2. Breach of Contract; 3. Patent Infringement; 4. Misappropriation; 5. Unfair Business Practices; 6. Breach of Confidence. United States District Court Northern District of California San Francisco Division, filed June 4, 2002.						
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	AS	<u>62</u>	Fraud/Mis 5. Unfair	Exhibit F - U.S. Pat. No. 6,057,098, Second Amendment and Supplemental Complaint for: 1 Fraud/Misrepresentation; 2. Breach of Contract; 3. Patent Infringement; 4. Misappropriation; 5. Unfair Business Practices; 6. Breach of Confidence. United States District Court Northern District of California San Francisco Division, filed June 4, 2002						
	AT	<u>62</u>	Answer of Biosite Incorporated to Plaintiffs' Second Amended and Supplemental Complain United States District Court Northern District of California San Francisco Division							
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